IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 24247 of 2004

Between:

1. G. Raju, S/o. Late G. Santha Bhushanam

Aged about 36 years, Occu: Unemployee,

Chettunnapadu (post) Bhimadole Mandal,

West Godavari District.

2. G. Prameela, D/o. G. Venkaiah, 30 yrs,

Occu: Unemployee, H.No.26-10-84,

Near Old Police Station, Nagaram Palem,

Guntur.

3. T.J.S.R. Kumari, D/o. Bazaru, 25 yrs.

Unemployee, Badampudi Post, Unguturu Mandal,

West Godavari District.

4. Naresh Jadhav, D/o. Govardhan, 27 yrs.

Unemployee, Room No.26, New P.G. Hostel,

Osmania University Campus, Hyderabad.

5. Sugali Anusuya, D/o. S. Humalal, 28 yrs,

Community Helath Centre, H.No.2

Gooty Post, Anantapur District.

6. D. Shashikala, D/o. Pandurangaswamy, 34 yrs,

Unemployee, C/o. Lakshmi, 1st ADM Court,

Additional Junior Civil Judge, Kadapa.

7. SVD Prasad, S/o. Bhadru, 25 yrs,

Unemployee C/o.K.Narasaiah,

1-1-750/8 Gandhinagar, Hyderabad.

8. M. Sujatha, D/o. Bhadru 25 yrs

Unemployee, H.No.16-1-0/1/A,

Saidabad Colony, Hyderabad.

..... PETITIONERS

AND

1. Government of A.P. rep., by its Secretary,

General Administration Department,

Secretariat, Hyderabad.

2. Andhra Pradesh Public Service Commission,

rep., by its Secretary, Gruhakalpa,

Mukarramjahi Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of Ceritiorari (1) Call for the records relating to and connected with the order dated 15.12.2004 passed in O.A.No.6585 of 2004 by the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash or set aside the same holding it as unsustainable; (2) Declare the action of the Public Service Commission in not following the rule of reservation at the screening level in accordance with Rule 22 and 22-A of the A.P. State and Subordinate Service Rules as arbitrary, illegal and unsustainable; and (3) Direct the respondents to admit the candidates to the main written examination for Group-I Services in pursuance of the notification No.21 of 2003 on 28.3.2004 and in

pursuance of the Suplementary Notification No.6 of 2004 on 10-10-2004 in the ratio of 1:50 duly following the rule of reservation from the Screening list level in accordance with the Rule-2 and 22-A of the A.P. State and Subordinate Service Rules, and pass such other and further order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.NUTY RAM MOHAN RAO

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following:

ORAL ORDER:- **(PER GB,J.)**

The Writ Petition is filed assailing the order, dated 15.12.2004 passed by the A.P. Administrative Tribunal in

O.A. No. 6585 of 2004.

2. The matter relates to recruitment to Group I Services. The A.P.P.S.C. issued notification in Advertisement No.21 of 2003 calling applications for Group I Services. Initially it notified 302 vacancies under the General Category and 7 vacancies under Limited Recruitment. Thereafter, another supplemental notification was issued on 7.8.2004 wherein the vacancies were enhanced, and total recruitment was sought to

be made for 531 vacancies under the General Category and 7 under limited recruitment. The preliminary screening test was conducted, and the written test is scheduled to be held from 19.1.2005 onwards. Some of the candidates, who were not called for the written test, though they qualified in the preliminary test belonging to reserved categories approached the Tribunal contending that their representation was not properly worked out, and as a result, they are being deprived of opportunity to participate in the selection process.

3. The Tribunal after considering the matter, relying on the G.O. Ms. No.570, dated 31.12.1997 issued by the Government, wherein procedure for recruitment to Group I Services was prescribed, negatived the claim of the applicants holding that there is no reservation provided at the stage of preliminary selection. Aggrieved by the said order, the present Writ Petition has been filed.

4. Learned senior counsel Mr. Nooty Ram Mohan Rao appearing for the petitioners submits that the action of the Public Service Commission in making recruitment to various reserved categories is contrary to the policy of the Government. He submits that 1:50 ratio is not being maintained in all the reserved categories, thereby the meritorious candidates under the reserved categories are tending to lose the chance of appearing for the written examination. He submits that out of the candidates who were already called for written test, the representation of the reserved categories does not conform to the 1:50 ratio, and it is less in some categories, and therefore, he submits that the order of the Tribunal is liable to be set aside. He further submits that at least the candidates to the extent of 1:50 ratio, including the candidates already qualified to appear for the main examinations have to be called for and their case for selection should be considered only after exhausting the selected candidates in respect of the posts which remain vacant. Therefore, he submits that no prejudice would be caused to the O.C. candidates or to the process itself.

5. On the other hand, the learned counsel Mr. Vijay Kumar appearing for the A.P.P.S.C. submits that the procedure prescribed in the G.O. has not been challenged by the petitioners. Further, the learned counsel would submit that similar identical issue was considered by a Division Bench of this Court in ***S.JAFEER SAHEB v SECRETARY, GAD SECRETARIAT, HYDERABAD*** wherein it is held

that admission to the main examination should only be on the ranking secured in the preliminary examination, irrespective of the caste or backwardness of the candidates appearing for the examination because all of them are competing for the posts in the open competition also. He further submits that he categorically assures this Court that A.P.P.S.C. would adopt the process as contemplated in the G.O. There will not be any spill over vacancies for the reserved candidates and that there may not be any fall out vacancies. Thus, he submits that the order of the Tribunal is quite legal and valid.

6. We have heard the learned counsel for the parties.

7. It is not in dispute that recruitment for Group I posts is being taken up by A.P.P.S.C. and it is also admitted before this Court that about 531 vacancies belonging to general category and 7 under limited recruitment category, would be filled up subject to community-wise reservation in the General Category.

8. Learned counsel for the A.P.P.S.C. on the directions of this Court has furnished the following approximate ratio in the reserved categories:

Sl.No.	Community	Category	No. ofvacancies	No. ofCandidatescalled formain exam	Approx.Ratio
1.	BC-A	General	28	2166	1:77
2.	BC-A	Women	13	277	1:21
3.	BC-B	General	30	4574	1:150
4.	BC-B	Women	17	614	1:35
5.	BC-C	General	5	421	1:80
6.	BC-C	Women	1	122	1:100
7.	BC-D	General	24	3626	1:150
8.	BC-D	Women	12	534	1:44
9.	SC	General	54	3324	1:60
10.	SC	Women	26	617	1:23
11	ST	General	23	597	1:25
12.	ST	Women	10	106	1:10

9. Further, it is noted that total number of candidates numbering 28,865 are being called for written examination scheduled to be held on 19.1.2005 and the hall tickets

have already been issued, necessary preparations have already been made. From the above statement, it is seen that the ratio is less than 1:50 in respect of BC-A Women, BC-B Women, BC-D Women, SC Women, ST General and ST Women. The contention of the learned counsel for the A.P.P.S.C. is that in the case of S.Cs., S.Ts., even if they get lesser marks than prescribed, their case will be considered basing on their performance both in written and oral competitive examination. The following is the extract from the note furnished:

> "In the event of S.C. and S.T. candidates not coming up for selection with the existing minimum prescribed for the selection in the competitive examination conducted by the Commission, their selection shall be considered on the basis of rank with reference to their performance in the written and oral competitive examination".

10. Thus, he submits that the order of the Tribunal cannot be said to be illegal or contrary to law.

11. We have given serious consideration to this aspect. Firstly, in the G.O. the procedure has been set out calling for the candidates in the ratio of 1:50 and it has been specifically stated that this 1:50 ratio is without reference to the communities, and it is as follows:

> "There will be a screening test (Objective type) comprising General Studies and mental ability. This test is admitted to the written examination i.e., consisting of;
>
> **A. COMPULSORY SUBJECTS:**
>
> 1. Essay 2. General English 3. General Studies and
>
> **B. OPTIONAL SUBJECTS**: (Two Optionals): First optional paper I & II (Items 4 & 5). Second optional paper I & II (Items 6 & 7). The marks secured in the screening test will not be counted for ranking. The number of candidates to be admitted to the written examination (Conventional Type) would be 50 (fifty) times to the total number of vacancies available at material time irrespective of communities."

12. Admittedly, the G.O. has not been challenged, and if 1:50 ratio has to be disturbed, it equally amounts flagrant violation of the procedure prescribed therein. The purpose of holding a screening test is to ensure the basic standard of eligibility of the candidates and even at the stage of admission to the main examination the

rule of reservation of posts cannot be applied. Moreover, the learned counsel for A.P.P.S.C. assures this Court that the vacancies notified for reserved categories will be filled up out of the candidates who appeared for the test even if the candidates secure less marks than prescribed, and no post will be carried forward to the next recruitment. He also submits that out of 28,865 candidates who are taking examination on 19.1.2005, 16,980 candidates belong to the reserved categories and only about 11,000 who constitute less than 45% are being represented under O.C. category.

13. The contention of the learned counsel for the petitioners is that at least the ratio of 1:50 should be maintained in respect of each post reserved for community reservation for in such an event, it will enable the reserved candidates to effectively participate in the selection and candidates from out of them would be selected within the reservation category, but this contention though appears to be appealing, cannot be accepted. There cannot be any upper limit. If this has to be taken into consideration, then 1:50 ratio should be considered to be appropriate and reasonable, and inasmuch as it is assured by the A.P.P.S.C. that there will not be any carry forward vacancies, we are not inclined to interfere with the order passed by the Tribunal.

14. Accordingly, we find no merits in the Writ Petition and the same is dismissed.

15. With this direction the O.A. shall stands disposed of.

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G. BKISHAPATHY, J.

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B. SESHASAYANA REDDY, J.

Date: 31.12.2004

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To

1. The Secretary, Government of A.P.

General Administration Department,

Secretariat, Hyderabad.

2. The Secretary, Andhra Pradesh Public Service Commission,

Gruhakalpa, Mukarramjahi Road, Hyderabad.

3 2 CCs to the G.P. for Services II, High Court of A.P., Hyderabad (OUT).

4 2 CD copies.